

REMARKS

On February 10, 2011, Applicant's Attorney conducted a telephonic interview with the Examiner, in which we discussed the Examiner's Response to Arguments section of the current Final Action. Specifically, we discussed the meaning of the terms "preload" and "overbalance", as contained in claims 1 and 11 and contained within the specification. We were able to come to a general understanding of the terms, as described below, and that the Final Action, as written, did not address these differences. The Examiner agreed to consider these arguments in an after-final amendment under rule 116.

The art rejections are respectfully traversed.

Considering first the Examiner's rejection of claims 1-9 and 11-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,579,682 to Bergman et al. (hereinafter "Bergman"), independent claims 1 and 11 both require, in part, "at least one clamping piston adapted to preload the end closure(s) and the high-pressure barrel assembly . . . in order to overbalance anticipated internal end loads." As discussed in the telephonic interview, the preloading refers to an axial force exerted on the end closure and the high pressure barrel assembly, independent of the pressurization of the chamber. This compressive force is opposite with the "anticipated internal end loads"; i.e., the forces exerted on the high pressure barrel assembly during operation of the pressure intensifier assembly. A preloading to overbalance load is an acknowledged defense against fatigue in vital structures, such as yoke and this is a major safety factor. As a result, the preloading of the high pressure barrel assembly "overbalances" the anticipated internal end loads.

Bergman does not teach this feature. The position taken by the Examiner in the Final Action is that the press frame (21) of Bergman is equivalent in that it is designed to press

against the assembly and take up any axial forces placed thereon during pressurization of the inner chamber (10). The press frame and spacing block (20), however, do not “preload” the assembly; i.e., the press frame and spacing block do not exert any force on the assembly independent of the pressurization of the chamber. Further, there is no apparent rationale whereby it might be considered obvious to one of ordinary skill in the art to modify the device of Bergman to preload the assembly.

For at least the foregoing reasons, Applicant respectfully submits that Bergman cannot be said to anticipate, or even render obvious, either of independent claims 1 and 11. Claims 2-9 and 12-22 depend directly or indirectly upon one of independent claims 1 and 11, as the case may be, and are allowable over Bergman for at least the same reasons adduced above relative to independent claims 1 and 11, as well as for their own additional limitations.

Turning to the rejection of claims 10 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Bergman in view of Jansson et al. (U.S. Pat. No. 5,904,089; hereinafter “Jansson”), claim 10 depends upon independent claim 1 and claim 23 depends upon independent claim 11. The deficiencies of Bergman vis-à-vis independent claims 1 and 11 are discussed above. Jansson fails to overcome these deficiencies. That is, at a minimum, Jansson fails to teach or suggest “at least one clamping piston adapted to preload the end closure(s) and the high-pressure barrel assembly . . . in order to overbalance anticipated internal end loads.” Thus, even assuming *arguendo* that the Examiner has correctly characterized the teachings of Jansson, it is respectfully submitted that no combination of Bergman and Jansson can reasonably be said to render obvious either of Applicant’s independent claims 1 and 11, nor claims 10 and 23 which rely thereon, as the case may be.


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The foregoing Amendment makes no claim changes that would require further search by the Examiner. Thus, no new issues have been raised. Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,


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I hereby certify that this paper is being deposited with the United States Patent Office via the electronic filing procedure on February 23, 2011 at Tucson, Arizona.

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